

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

)	
JACK J. GRYNBERG and)	
GRYNBERG PETROLEUM COMPANY)	
3600 South Yosemite, Ste. 900)	
Denver, CO 80237-1830,)	
)	
Plaintiffs,)	Civil Action No.
)	
v.)	
)	
U.S. DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
)	

COMPLAINT

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for injunctive and other appropriate relief, seeking release of agency records.

PARTIES

2. Plaintiff Jack J. Grynberg is a citizen of the United States who resides at 4661 S. Dasa Dr. Englewood, CO 80111.

3. Plaintiff Grynberg Petroleum Company has its principal place of business at 3600 S. Yosemite Street, Suite 900, Denver, Colorado.

4. Defendant U.S. Department of Justice ("DOJ") is an agency established in the Executive Branch of the United States Government. The DOJ is an agency within the meaning of 5 U.S.C. § 552(f)(1). The DOJ includes the Executive Office for United

States Attorneys ("EOUSA").

JURISDICTION

5. Jurisdiction is asserted pursuant to 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. § 552(a)(6)(C)(i) and 28 U.S.C. § 1331 .

6. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

COUNT I

7. On May 23, 2013, DOJ Criminal Division received from Jack J. Grynberg on Grynberg Petroleum Company letterhead, a written FOIA request for the criminal case file, and all documents produced to defendants in discovery, in *United States v. Giffen*, 03 Cr. 404 (WHP).

8. DOJ informed Grynberg on June 14, 2013, that DOJ had routed Grynberg's FOIA request, request number CRM-201300414F, from the Criminal Division to the Executive Office for United States Attorneys ("EOUSA").

9. On July 16, 2013, EOUSA denied Grynberg's FOIA request, now designated request number 2013-2190, on the grounds of the Privacy Act, 5 U.S.C. § 552a and the privacy provisions, §§ (b)(6) and (b)(7)(C), of FOIA. However, EOUSA stated that it would release, if requested, any public records, such as court records and news clippings.

10. On August 13, 2013, Grynberg Petroleum Company responded to EOUSA stating that Grynberg Petroleum Company did

request the public records. He also again requested disclosure of the Giffen case file records of corporations and of bank accounts.

11. On September 9, 2013, Jack J. Grynberg, appealed the July 16, 2013 denial of access.

12. On September 20, 2013, EOUSA responded to Grynberg Petroleum Company's August 13, 2013, letter by limiting its FOIA request to corporate and public records and assigned it request number 13-3264.

13. On March 25, 2014, DOJ denied Grynberg's September 9, 2013 appeal as regards the individual codefendant James Giffen. However, DOJ closed as moot the portion of the record request regarding public records and corporate records because EOUSA had opened the new request file number 13-3264 limited to public and corporate records.

14. On November 19, 2014, EOUSA denied Grynberg's record request (now designated ORACL-2015-00329) on the grounds that the 227 boxes of criminal case files contained no public or corporate responsive records.

15. On December 22, 2014, Grynberg appealed EOUSA's November 19, 2014, denial of access.

15. On May 15, 2015, DOL remanded Grynberg's appeal number AP-2015-01200 to EOUSA for a further search.

16. On October 16, 2015, EOUSA requested a search fee of

\$5,920.00 for the now designated request number FOIA-205-02776. EOUSA received a check for the \$5,920.00 on November 18, 2015.

17. DOJ has not made any determination regarding any specific corporate or public record in the requested *Giffen* criminal case file.

18. DOJ has not produced any corporate or public record in the requested *Giffen* criminal case file.

19. DOJ's responses to Grynberg FOIA request violated the statutory deadlines imposed by FOIA. 5 U.S.C. § 552(a)(6)(A), 5 U.S.C. § 552(a)(3).

20. DOJ has wrongfully withheld response EOUSA records from Grynberg.

21. Grynberg has an urgent need for these documents for use in an arbitration which was ordered by an intermediate appellate court of New York State. Moreover, Mr. Grynberg will turn 85 years old in January.

22. Grynberg is entitled to injunctive relief compelling the release and disclosure of the requested EOUSA records.

23. Grynberg has exhausted the applicable administrative remedies by appealing twice.

REQUEST FOR RELIEF

Plaintiff requests the following relief:

A. order DOJ to produce all responsive agency records in reasonable installments;

B. order DOJ to complete the production of all responsive agency records by a date certain;

C. award Grynberg its costs and reasonable attorney fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(e);

D. grant such other relief as the Court may deem just and proper; and

E. the court retain jurisdiction until production is completed.

Dated: October 24, 2016

Respectfully submitted,

Daniel L. Abrams

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